

MINUTES OF THE 16TH MEETING OF STATE ADVISORY COMMITTEE HELD ON 20/04/2011 AT 11.00 AM IN CONFERENCE ROOM NO. 119, NORTH BLOCK, NEW DELHI UNDER THE CHAIRMANSHIP OF JS(AT&A)

In compliance with the directions dated 17.04.2007 of the Hon'ble High Court of Chhatisgarh at Bilaspur in Writ Petition No. 445/2001 in the matter of Godbole and others versus Union of India and others the 16th Meeting of the Committee was held under the Chairmanship of Shri Rajeev Kapoor, Joint Secretary (SR), DOPT 20/04/2011 at 11.00 AM in Conference Room No. 119, North Block. List of attendants is enclosed at Annexure "A".

2. The Chairman welcomed the members of the Committee and thereafter took up the agenda of the meeting for discussion. The minutes of 15th meeting were unanimously endorsed by the Committee. Thereafter the Chairman desired the status of pendency of representations and Court cases relating to re-Organization of erstwhile State of Madhya Pradesh. It was informed that at present 390 disputed court cases are pending in the Hon'ble High Court of M.P. at Jabalpur, Indore and Gwalior. Chairman directed to explore the possibilities of delegation of powers to the successor states under the MP Reorganization Act 2000 in consultation with Department of Legal Affairs as allocation work was completed way back in September 2004 and both the states are functioning without any difficulty. Thereafter the individual cases were discussed and decision of the Committee has been reflected in the last column of the table.

Sl.	Name of the Employee/ Petitioner	W.P. No. / VIP Reference /Representation	Decision taken
1	Revision of allocation of Assistant Engineers of Water Resources		The D/O water Sources earlier submitted the proposal for revision of state Allocation of Assistant Engineers in wake of revision of their seniority in the light of directions of Hon'ble High Court. Now they decided to withdraw the proposal stating that that issue of seniority of Assistant Engineers is pending in the Hon'ble Supreme Court and there is an interim order for maintaining the status quo. The representatives of Water Resources stated in the meeting that further action in the matter would be possible only after the final judgement of the Supreme Court. So the Committee decided to accept the submission of representatives in the meeting for keeping this case pending till the final decision of the Hon'ble Supreme Court on the seniority issue of Assistant Engineers.
2	Shri Mukul jain, Asstt. Engineer, WRD. F. No. 14/27/09-SRS	1906/09	It was informed by the representatives of Administrative Department of the petitioner that issue of seniority of Assistant Engineers is pending in the Hon'ble Supreme Court and there is an interim order for maintaining the status quo. They also stated that further action on the representation of the petitioner in the light of directions dated 07/12/2009 of Hon'ble High would be possible only after the final judgement of the Supreme Court. The Committee,

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			therefore, decided to accept the submission of representatives in the meeting for keeping this case pending till the final decision of the Hon'ble Supreme Court on the seniority issue of Assistant Engineers.
3 ✓	Shri Subodh jain, Sub-Engineer, WRD. 14/18/10-SRS	5007/06	<p>The representatives of Administrative Department informed the Committee that the petitioner was allocated to the State of Chhattisgarh in the scale of Rs. 8000- 13500 under the category of A4 viz on the basis of seniority because he was eligible for the said scale though he was under suspension. The Committee was not convinced with their written and oral statement on the allocation of the petitioner in the above scale because the petitioner was drawing the lower scale Rs. 6500-10500 before the publication of TFAL (Tentative Final Allocation List). The comments of the state Governments were against the principle and procedure adopted for allocation of employees of all the Departments of state Government. The Committee was of the view that the representation of the petitioner is to be examined as per the directions dated 06/01/2010 of the Hon'ble High Court, who was of the opinion that allocating the petitioner by assuming him to have obtained the higher scale under the time bound promotion scheme is not proper.</p> <p>The Committee found that the allocation of the petitioner to the State in the higher scale is not in accordance with the principle/procedure adopted by the State Government and the petitioner was to be allocated in the lower pay scale where he was senior and eligible for allocation to the state of MP under the category of A4. So the Committee decided to recommend the allocation of the petitioner from Chhattisgarh to M.P. in the pay scale of Rs. 6500-10500 considering him senior as per policy of allocation.</p>
4 ✓	Shri R A Khan , Sub-Engineer, WRD. F. No. 14/25/10-SRS	Representation	<p>The State Government has confirmed in their comments that Shri Khan is eligible for revision of his re-allocation from Chhattisgarh to Madhya Pradesh State in view of improvement in his seniority rank from 4742 to 4270-A as on the appointed day viz 01/11/2000 and Sub Engineers junior to him have also been allocated to the State of Madhya Pradesh. After hearing the representatives of administrative Department on this case, the Committee decided to recommend the re-allocation of Shri Khan from Chhattisgarh to Madhya Pradesh State.</p>

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5 ✓	Shri Narain Kumar, Sub-Engineer, WRD. F. No. 14/05/10-SRS	5418/06	<p>The Administrative Departments of the petitioner did not recommend their re-allocation from the State of Chhattisgarh to Madhya Pradesh because they are eligible to all the benefits of reservation in the state of Chhattisgarh. Some of the petitioners had filed cases in the High Court for disallowing the benefit of admission in State Institutions to the dependents of the employees allocated to Chhattisgarh. The High Court of Chhattisgarh has turned down their claim because they were not considered the domicile of Chhattisgarh. The Chairman informed the representatives of the State Governments that declaration of any caste as SC/ST is region specific. That is why one particular caste of SC/ST notified in one state is not notified as SC / ST in another state. This fact was not visualized at the time of drafting of State Re-organization Act in 2000. Now in consultation with D/o Legal Affairs instructions have been issued by this Department for allocation of SC/ST employees as per option and/or domicile.</p> <p>The Committee noted that these cases of state reallocation as per their option and/or domicile are covered under the recent clarifications issued by this Department on 24.6.2010 regarding allocation of SC/ST employees. So the Committee decided to recommend the revision of state allocation of the petitioners from M.P. to Chhattisgarh as they belong to SC category and they are the domicile of Madhya Pradesh State.</p>	
6 ✓	Shri Darshan Lal Shakya, Sub-Engineer, WRD. F. No. 14/156/05-SRS	73/09		
7 ✓	Shri Har Prasad Ahirwar, Sub Engineer, WRD File no. 14/20/08-SRS	14959/07		
8 ✓	Shri Ravinder Bhalekar, Sub Engr, WRD F. No. 14/13/10-SR(S)	13479/06		
9 ✓	Shri Sukhdeo Prasad Umaria, Sub Engineer, WRD File No. 14/07/06-SRS	WA 2008/06		
10 ✓	Ram Swarup Gujarwar. Sub- Engineer, PHE File No. 14/216/05-SR(S)	2759/05		
11 ✓	Shri Kamal Kumar Ahirwar, Drug Inspector D/o PH &FW F. No.14/111/07-SRS	8926/06		
12 ✓	Shri Vijay Bahadur Tamarkar, Sub-Engineer, WRD. F. No. 14/63/09-SRS	Representation		<p>The Committee noted that Administrative Department did not recommend the representation of Shri Tamarkar for acceptance on the ground that post of his wife Kusum Tamarkar is transferable and number of the Sub Engineers (civil) working in Madhya Pradesh are more than the sanctioned strength. The Committee noted that the request of Shri Tamarkar is covered by the policy framed by the M.P. State Government vide their notification dated 24/03/2008. The Committee, therefore, decided to recommend the representation of Shri Tamarkar for acceptance for revision of his state cadre from Chhattisgarh to Madhya Pradesh on the ground that his wife Smt Kusum Tamarkar is a postal assistant in Post Office at Chhattarpur, M.P. prior to the Reorganization of MP State .</p>
13 ✓	Shri Tariq Saeed Siddiqui, Sub Engineer, WRD	Representation		<p>The consideration of this case was deferred by the Committee and it was decided that administrative Department would intimate the category in which the Shri</p>

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	F. No. 14/05/2010-SRS		Tariq Saeed Siddiqui, Sub Engineer was considered for sanctioning compensation by The Rehabilitation and Relief Cell of Bhopal Gas tragedy depending upon the severity of the suffering as a result of Bhopal Gas Tragedy 1984.
14	Shri S N Tewari, Lab Technician, WRD 14/14/2011-SRS	2478/07	On the recommendation of State Governments, the Committee decided to recommend the revision of allocation of the petitioner to the State of Chhattisgarh from Madhya Pradesh under the category of A1 (option and domicile) on his eligibility as per guidelines of allocation.
15	Shri Shailendra Kumar Sharma, Sub Engineer, WRD File No. 14/35/10-SR(S)	2472/10	The Committee noted that Administrative Department did not recommend the representation of Petitioner for revision of State Cadre from Chhattisgarh to Madhya Pradesh under spouse policy for acceptance on the ground that the Sub Engineers (civil) working in Madhya Pradesh are more than the sanctioned strength. The Committee noted that the request of petitioner is covered by the policy framed by the M.P. State Government vide their notification dated 24/03/2008. The Committee, therefore, decided to recommend the representation of petitioner Shri Sharma for acceptance for revision of his state cadre from Chhattisgarh to Madhya Pradesh on the ground that his wife Smt Sharda Sharma is an assistant teacher in Government Primary School in Distt Guna, M.P. since 29/12/1994.
16	Shri Pramil Kumar Yadav, Asstt. Engr. File No. 14/25/11-SRS	Representation	The Committee noted that the request of Shri Yadav is covered by the policy framed by the M.P. State Government vide their notification dated 24/03/2008. The Committee, therefore, decided to recommend the representation of Shri Yadav for acceptance for revision of his state cadre from Chhattisgarh to Madhya Pradesh on the ground that his wife Smt Vandana Yadav is working as a lecturer in Government Girls Higher Secondary School, Gobindpura , Bhopal since 31/08/91
17	Mahendra Singh Chauhan , Progress Assistant, D/o Animal Husbandry File No. 14/43/05-SR(S)	517/10	The Committee decide to seek clarification from the D/o School Education whether wife of the petitioner viz Smt Meera Chauhan, Shiksha Karmi , who was appointed at the level of District Municipal Committee, is a state Government employee. Thereafter, his representation would be decided in the light of directions dated 24/11/10 of Hon'ble High Court of Madhya Pradesh.
18	Dr. K.K. Jain, Medical Officer, D/o Public Health File No. 14/31/08-SR(S)	VIP reference	Dr. Jain was allocated to the State of Chhattisgarh on the basis of his wrong domicile and he was allocated twice in lower and higher pay scale. The Administrative Department has now clarified that he was a domicile of Guna (MP) and was to be allocated to the State of M.P. in the higher pay

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			scale of Rs. 10000-325-15200 under the category A4 i.e. seniority. He is eligible for allocation under category A4 to the state of M.P. as his juniors have been allocated to M.P. under this category. So the Committee decided to recommend the representation of Shri Jain for acceptance for allocation to the State of Madhya Pradesh from Chhattisgarh.
19	Mohd Tahir Hasmi, Asstt Gde I, Public Relations File No. 14/64/10-SR(S)	Representation	The Committee decided to recommend the representation of Shri Mohd. Tahir Hasmi for revision of his State Cadre from Chhattisgarh to Madhya Pradesh because he has been a victim of Bhopal Gas Tragedy under category 'C' and 'D' and received a compensation of Rs.80,000 on account of suffering from the Bhopal Gas Tragedy 1984.
20	Mahendra Kumar Tiwari, RAE0, Dept. of Agriculture File No. 14/58/06-SR(S)	3497/06	In the last meeting held on 29.12.2010 the Committee discussed the implementation of judgement dated 13.08.2008 in W.A.s No.783/07, 784/07 and 785/07 filed by Shri R.S. Chourasia, H.O. Srivastava and G.R. Verma, all Rural Agriculture Extension Officers and decided to know the impact of the implementation of judgement of the court dated 13.08.2008 in all other cases. It was decided that General Administration Department and Agriculture Department will examine the implications of court order dated 13.08.2008 in various cases after seeking legal opinion in the matter. Exercise was to be completed before the next meeting i.e. 20.04.2011. The Committee also wanted to know that if there is a specific order of the Court in any writ petition and such cases will be placed before it for consideration and decision. After the minutes of the meeting dated 29.12.2010 were issued, State Government was requested through DO letters to expedite the matter. Chairman observed that State Government has not informed the progress made by them in this regard. He wanted that the matter should be expedited by State Government. It was decided that these items may be deferred and submitted for next meeting after proper report is received from State Government.
21	Udaibhan Singh Tomar, RAE0, Dept. of Agriculture File No. 14/21/09-SR(S)	2702/06	
22	Sukhendra Singh Parihar, RAE0, Dept. of Agriculture File No. 14/36/06-SR(S) Vol-VII	3510/06	
23	Triveni Singh, Surveyor, Dept. of Agriculture File No. 14/124/09-SR(S)	3701/06	
24	Shri Aziz Khan, RAE0, D/O Agriculture F. No. 14/128/09-SRS	2890/06	
25	R N Tripathi, RAE0, D/o Agriculture F. No. 14/113/09	5000/06	
26	S K Gupta, RAE0, D/o Agriculture F. No. 14/127/09	2889/06	
27	Shri Bhanu Pratap Singh Gaur, SADO, D/o Agriculture F. No. 14/79/09-SRS	974/06	
28	Shri Vijay Kumar Jain, RAE0, D/o Agriculture F. No. 14/117/2009-SRS	7705/06	

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29 ✓	Shri Ram Kailash Tewari, Surveyor, D/o Agriculture F. No. 14/129/09-SRS	4154/06	
30 ✓	Shri P S Patel, RAEO, D/o Agriculture F. No. 14/144/09-SRS	1427/10	
31 ✓	Shri S A Ansari RAEO, D/o Agriculture, F. No. 14/36/06-SRS	3574/06	The Committe decided to recommend the representation of petitioner for revision of his State Cadre from Chhattisgarh to Madhya Pradesh in compliance with the directions dated 10/03/2006 of Hon'ble High Court of M.P. as his disability is more than 40% and he is eligible for allocation as per his option.
32 ✓	Dr. Harnarayan Shukla AMO, AYUSH File No.14/34/10-SRS	1994/07	<p>The Committee noted that State Government did not recommend the representation of the petitioner for acceptance because he himself is class I officer in the scale of Rs. 8000-13500 while his wife Shri Manjula Shukla is an Assistant Teacher (class III). The Committee noted that following conditions in the original spouse policy have been done away with:</p> <p>(i) Junior spouse will be allocated to the State allocated to the senior spouse.</p> <p>(ii) Both the spouses belong to the state cadre</p> <p>The request of the petitioner is covered under the present spouse policy. So the Committee decided to recommend the representation of the petitioner for acceptance for revision of his State Cadre from Chhattisgarh to M.P. on the ground that Smt Manjula Shukla, the wife of the petitioner is working as Asstt. Teacher in Government Primary School in Ratlam in Madhya Pradesh w.e.f. 27/01/84.</p>
33 ✓	Dr. Vishwanath Sharma, AMO, AYUSH File No.14/ -SRS	3109/05	<p>The Committee noted that State Government did not recommend the representaion of the petitioner for acceptance becasuse he himself is class I officer in the scale aof Rs. 8000-13500 whereas his wife Shri Nutan Sharma is an Assistant Teacher (class III). The Committee noted that condition of following the senior spouse by the junior spouse and state cadre under the then spouse policy has been done away with . The request of the petitioner is covered under the present spouse policy. So the Committee decided to recommend the representation of the petitioner for acceptance for revision of his State Cadre from Chhattisgarh to M.P. on the ground that Smt Nutan Sharma, the wife of the petitioner is working as Asstt. Teacher in Government Adharsh Middle School in Bhind, Madhya Pradesh w.e.f.</p>

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34 ✓	Dr. S K Singhai, AVS, D/o Animal Husband F. No.4/95/09-SRS	4172/09	Deferred for want of requisite information.
35 ✓	Shri C L Kostha, Sub Engineer, D/o PHE F. No.14/10/10-SRS	4287/05	The Committee noted that the wife of the petitioner requested for re-allocation of state cadre on account of brain haemurrage and paralysis attack and the medical certificate submitted was not from the District Medical Board.. The consideration of this case was deferred. This case would be considered on receipt of the medical certificate from the District medical Board.
36 ✓	Shri Anil Kumar Sharma (RID No. 5973), RAO, D/O Agriculture, F. No.14/80/10-SRS	Representation	The Committee examined the certificate of the District Medical Board showing Shri Sharma as 80% visual handicapped in the light of guidelines of allocation. So the Committee decided to recommend his representation for acceptance from Chhattisgarh to Madhya pradesh under 'handicapped category' because he is eligbile for re-allocation under the guidelines of allocation. .
37 ✓	Shri Shailendra Kumar Verma , Asstt Gde -3 D/o Land Reords, M.P.	2112/07	The Committee decided to reject the representation of the petitioner for revision of his State cadre from Chhattisgarh to Madhya Pradesh on the basis of written comments and oral submission of representative of his Administrative Department that there is no error in his seniority as on 01/04/2000 and his juniors have also been allocated to the State of Chhattisgarh. The State Government would furnish detailed draft speaking order covering all the contentions raised by the petitioner in his representation.
38 ✓	Shri Om Prakash Sharma, Radio Operator, MP Police, D/o Home F. No. 14/11/09-SRS	4932/06	The Committee decided to reject the representation of the petitioner for revision of his state cadre as the representatives of the D/O Home informed the Committee that his allocation is as per guidelines of allocation. They would provide a detailed draft speaking order covering the replies to all the contentions raised by the petitioner in his representaion.
39 ✓	Shri Ram Narain Rathore, Asstt Gde -1 D/o Commercial Tax F. No. 14/04/07-SRS	Representation	The administrative Department has confirmed in their comments that the allocation of Shri Rathore was not considered because he was shown erroneously as non-state cadre employee. It has been made clear by the Administrative Department that he was a state cadre employee and had given option for M.P. The representatives of the State Government Department informed the Committee that Shri Rathore is very senior in the cadre of Assistant Grade-1 and eligible for allocation to the State of M.P. under category A4 in the pay scale of Rs. 3050-75-3950. So the Committee

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			decided to recommend his allocation to the state of Madhya Pradesh
40	Shri Muinuddin Khan, Asstt Gde -1 D/o Commercial Tax F.No. 14/36/2011-SRS	281/04	The administrative Department has confirmed in their comments that the allocation of Shri Khan was not considered because he was shown erroneously as non-state cadre employee. It has been made clear by the Administrative Department that he was a state cadre employee and had given option for M.P. The representatives of the State Government Department informed the Committee that Shri Khan is very senior in the cadre Assistant Grade and eligible for allocation to the State of M.P. under category A4 in the pay scale of Rs. 3050-75-3950. So the Committee decided to recommend his allocation to the state of Madhya Pradesh.
41	Shri Bhanu Pratap Singh , ASI, Home Guard, D/o Home F. No. 14/47/10-SRS	927/05	The Committee decided to reject the representation of the petitioner for revision of his state cadre as the representatives of the D/O Home informed the Committee that his allocation is as per guidelines of allocation. They would provide a detailed draft speaking order covering the replies to all the contentions raised by the petitioner in his representaion.

The meeting ended with a vote of thanks to the Chair

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